

Message Text

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16

ORIGIN AEC-07

INFO OCT-01 NEA-06 IO-10 ISO-00 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 EB-07 FPC-01 H-01 INR-05

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DRAFTED BY: USAEC/GEO:IP:BTHOMAS

APPROVED BY: OES/SCI/AE:JBLOOM

USAEC/DIP:ASFRIEDMAN

NEA/IAI-MR BIZIC

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R 032326Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY TEL AVIV

INFO AMEMBASSY CAIRO

USMISSION IAEA VIENNA

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E.O. 11652: N/A

TAGS: TECH, ENRG, IS

SUBJ: EXTENSION OF 1955 US-GOI RESEARCH ATOMIC ENERGY AGREEMENT
FOR COOPERATION

REF: STATE 250137

BEGIN UNCLASSIFIED

1. ON DECEMBER 2, DEPT. AND AEC PRESENTED TO ISRAELI EMBASSY
REP., ELIEZAR EFRATI, PROPOSED AMENDMENT TO EXTEND FOR TWO YEARS
1955 RESEARCH AGREEMENT (WHICH EXPIRES APRIL 11, 1975), TOGETHER
WITH PROPOSED EXCHANGE DIPLOMATIC NOTES, CONSIDERED INTEGRAL
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PART OF AGREEMENT, WHICH AFFIRMS PARTIES' UNDERSTANDING THAT NO

US MATERIAL OR EQUIPMENT MAY BE USED FOR PNE'S. TEXT AMENDMENT
AND NOTES SET FORTH PARAGRAPHS 5 AND 6.

2. DEPT EMPHASIZED IMPORTANCE OF RECEIVING GOI REACTION TO
DRAFTS AS SOON AS POSSIBLE IN VIEW OF TIGHT SCHEDULE
FOR CONCLUDING AMENDMENT FORMALITIES AND LEGAL REQUIREMENTS BY
APRIL 11 (SEE PARA 3). DEPT EXPRESSED REGRET THAT DRAFT COULD
NOT BE MADE AVAILABLE SOONER. DEPT ALSO NOTED THAT REVISION OF
PRESENT USG-GOI-IAEA SAFEGUARDS TRILATERAL WOULD BE NECESSARY,
THAT USG PLANNED PRESENT DRAFT TEXT THEREFOR THROUGH US MISSION
VIENNA IN NEAR FUTURE, AND THAT, IN VIEW APRIL 4 EXPIRATION OF
TRILATERAL, REVISION SHOULD BE SUBMITTED TO IAEA BOARD
GOVERNORS MEETING IN FEBRUARY.

3. FOLLOWING USG PROCEDURES AND REQUIREMENTS FOR CONCLUDING
AMENDMENT (AND NOTE), PURSUANT SECTION 123 ATOMIC ENERGY ACT,
WERE OUTLINED TO GOI REP. (WITH FORMALITIES TO
TAKE PLACE IN WASHINGTON): (A) AFTER REACHING AD REFERENDUM
AGREEMENT ON DRAFT TEXTS, AMENDMENT AND US NOTE TEXTS MUST BE
APPROVED BY AEC COMMISSIONERS AND DEPT.; (B) TEXTS ARE
THEN INITIALLED BY PARTIES TO STABILIZE LANGUAGE (BY AEC, DEPT.,
AND GOI EMBASSY REP., AT APPROPRIATE LEVEL BELOW
COMMISSIONERS, ASSIST. SECY AND AMBASSADOR); (C) INITIALLED
TEXTS MUST BE SUBMITTED TO PRESIDENT FOR PERSONAL APPROVAL AND
AUTHORIZATION TO SIGN; (D) FOLLOWING PRESIDENTIAL APPROVAL,
PARTIES SIGN TEXTS (USUALLY AT LEVEL OF AEC COMMISSIONER,
ASSIST. SECY AND AMBASSADOR) AND EXCHANGE NOTES; (E) SIGNED TEXTS
MUST BE SUBMITTED, BY AEC, TO CONGRESS FOR COMPLETION OF 60-DAY
WAITING PERIOD (EXCLUDING DAYS WHEN EITHER HOUSE NOT IN SESSION
FOR LONGER THAN THREE DAYS), DURING WHICH TIME, ACCORDING
TO RECENT AMENDMENT OF SECTION 123, CONGRESS CAN VETO AMENDMENT
BY CONCURRENT RESOLUTION); AND (F) NOTIFICATIONS
ARE EXCHANGED AS CALLED FOR IN AMENDMENT ARTICLE II.

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4. DEPT. PLANS TO INFORM EGYPTIAN EMBASSY INFORMALLY OF PLANS
TO EXTEND GOI RESEARCH AGREEMENT FOR 2 YEARS. WILL CONFIRM.
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5. AMENDMENT TEXT: AMENDMENT TO AGREEMENT FOR COOPERATION
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF ISRAEL

CONCERNING CIVIL USES OF ATOMIC ENERGY

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL,

DESIRING TO AMEND THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL CONCERNING CIVIL USES OF ATOMIC ENERGY, SIGNED AT WASHINGTON ON JULY 12, 1955 (HEREINAFTER REFERRED TO AS THE "AGREEMENT FOR COOPERATION"), AS AMENDED BY THE AGREEMENTS SIGNED AT WASHINGTON ON AUGUST 20, 1959, JUNE 11, 1960, JUNE 22, 1962, AUGUST 19, 1964, APRIL 2, 1965, AND AUGUST 23, 1966,

AGREE AS FOLLOWS:

ARTICLE I

ARTICLE VIII OF THE AGREEMENT FOR COOPERATION, AS AMENDED, IS AMENDED BY DELETING THE DATE "APRIL 11, 1975" AND SUBSTITUTING IN LIEU THEREOF THE DATE "APRIL 11, 1977".

ARTICLE II

THIS AMENDMENT SHALL ENTER INTO FORCE ON THE DATE ON WHICH EACH GOVERNMENT SHALL HAVE RECEIVED FROM THE OTHER GOVERNMENT WRITTEN NOTIFICATION THAT IT HAS COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR ENTRY INTO FORCE OF SUCH AMENDMENT AND SHALL REMAIN IN FORCE FOR THE PERIOD OF THE AGREEMENT FOR COOPERATION, AS AMENDED.

IN WITNESS WHEREOF, THE UNDERSIGNED, DULY AUTHORIZED, HAVE SIGNED THIS AMENDMENT.

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DONE AT WASHINGTON, IN DUPLICATE, THIS (BLANK) DAY OF (BLANK), 19--.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA::

FOR THE GOVERNMENT OF ISRAEL:

6. A. US NOTE: "THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO HIS EXCELLENCY THE AMBASSADOR OF ISRAEL AND HAS THE HONOR TO REFER TO THE PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION SIGNED TODAY BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF ISRAEL CONCERNING CIVIL USES OF ATOMIC ENERGY.

"IN THE COURSE OF DISCUSSIONS BETWEEN RESPECTIVE

REPRESENTATIVES OF THE TWO GOVERNMENTS LEADING TO THIS AMENDMENT, IT WAS AGREED THAT IT WOULD BE IN THE MUTUAL INTEREST TO PLACE ON RECORD THE LONG-HELD UNDERSTANDING THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, SUBJECT TO THE AGREEMENT FOR COOPERATION AND NO MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, INCLUDING EQUIPMENT AND DEVICES, MAY BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE, OR FOR RESEARCH ON OR DEVELOPMENT OF ANY SUCH DEVICE, REGARDLESS OF HOW THE DEVICE ITSELF IS INTENDED TO BE USED.

"UPON RECEIPT OF HIS EXCELLENCY'S NOTE CONFIRMING THAT THE GOVERNMENT OF ISRAEL SHARES THIS UNDERSTANDING, THE EXCHANGE OF NOTES SHALL CONSTITUTE THE FORMAL RECORD OF THE MUTUAL UNDERSTANDING IN THIS REGARD AND SHALL BE AN INTEGRAL PART OF THE AGREEMENT FOR COOPERATION."

TEXT OF PROPOSED ISRAELI REPLY:

B. "THE AMBASSADOR OF ISRAEL PRESENTS HIS COMPLIMENTS TO THE HONORABLE THE SECRETARY OF STATE AND HAS THE HONOR TO REFER TO THE SECRETARY'S NOTE DATED TODAY, REGARDING THE PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF ISRAEL AND THE GOVERNMENT OF THE UNITED STATES CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED TODAY, IN WHICH THE SECRETARY OF STATE SET FORTH FOR THE RECORD THE FOLLOWING UNDERSTANDING BETWEEN THE GOVERNMENT OF ISRAEL AND THE LIMITED OFFICIAL USE

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GOVERNMENT OF THE UNITED STATES.

"IN THE COURSE OF DISCUSSIONS BETWEEN RESPECTIVE REPRESENTATIVES OF THE TWO GOVERNMENTS LEADING TO THIS AMENDMENT, IT WAS AGREED THAT IT WOULD BE IN THE MUTUAL INTEREST TO PLACE ON RECORD THE LONG-HELD UNDERSTANDING THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, SUBJECT TO THE AGREEMENT FOR COOPERATION AND NO MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, INCLUDING EQUIPMENT AND DEVICES, MAY BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE, OR FOR RESEARCH ON OR DEVELOPMENT OF ANY SUCH DEVICE, REGARDLESS OF HOW THE DEVICE ITSELF IS INTENDED TO BE USED.

"UPON RECEIPT OF HIS EXCELLENCY'S NOTE CONFIRMING THAT THE GOVERNMENT OF ISRAEL SHARES THIS UNDERSTANDING, THE EXCHANGE OF NOTES SHALL CONSTITUTE THE FORMAL RECORD OF THE MUTUAL UNDERSTANDING IN THIS REGARD AND SHALL BE AN INTEGRAL PART OF THE AGREEMENT FOR COOPERATION.

"THE AMBASSADOR OF ISRAEL HAS THE FURTHER HONOR TO INFORM THE SECRETARY OF STATE THAT THE GOVERNMENT OF ISRAEL CONFIRMS THAT IT SHARES THIS UNDERSTANDING AND THAT THE

SECRETARY'S NOTE AND THIS REPLY SHALL CONSTITUTE THE FORMAL
RECORD OF THIS MUTUAL UNDERSTANDING AND SHALL BE AN INTEGRAL
PART OF THE AGREEMENT FOR COOPERATION." KISSINGER

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